

Appl. No. : 10/677,757
Filed : October 1, 2003

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to the drawing sheets for Figures 4 and 6D. With respect to Figure 4, Applicant added the reference number 300 which is found in the specification. The reference number 120 in Figure 1 was also corrected so as to more clearly point to the entire retainer. On Figure 6D, Applicant added reference number 360 which is also found in the specification.

Applicant has further added new Figure 7 to illustrate a typical medical article secured within the securement device illustrated in Figures 1 through 6E. The medical article illustrated in Figure 7 was described in paragraph [0036] in the specification as filed. Accordingly, Figure 7 adds no new matter to the patent application.

Attachment: Replacement sheets

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REMARKS

Claims 1 through 17 stand rejected. Applicant has amended Claims 1, 3, 7, 8, 9, 11, 15, and 17 and added new Claim 18. Applicant has also cancelled Claims 2 and 10. Thus, Claims 1, 3-9, and 11-18 are pending in the application and are presented for examination in view of the amendments and the following remarks. Applicant is further submitting Replacement Sheets for Figures 4 and 6D, and a new Figure 7.

Interview Summary

Applicant would like to thank Examiners Mehta and Sirmons for taking the time to meet and discuss the outstanding Office Action in a personal interview with counsel for Applicant on September 15, 2006. During the interview, the applied prior art was generally discussed. Applicant proposed adding language directed to the structure of the cap and the post to more clearly define the recited retainer in view of the applied prior art. Specifically, two independent limitations were discussed and analyzed during the interview in view of the applied art. The first limitation was directed to the structure of the protrusion and how that structure secures the cap over the protrusion. The second limitation was directed to the structure of the cap and how that structure covers the protrusion. Accordingly, Applicant has amended Claims 1, 8, and 17 to include language directed to the first limitation while adding a new independent claim that includes language directed to the second limitation.

Correction to the Specification

Paragraphs of the specification were objected to for containing spelling or grammatical type errors. Applicant has submitted replacement paragraphs that correct these errors. No new matter has been added due to these changes to the specification.

Corrections to the Figures

A careful review of the figures identified inconsistencies between the figures and specification. Applicant has submitted replacement figures that correct these inconsistencies. With respect to Figure 4, Applicant added the reference number 300 which is found in the specification. The reference number 120 in Figure 1 was also corrected so as to more clearly point to the entire retainer. On Figure 6D, Applicant added reference number 360 which is also

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found in the specification. No new matter has been added due to these changes to the figures. Applicant respectfully requests the entry of the amended figures.

Applicant has further added new Figure 7 to illustrate a typical medical article secured within the securement device illustrated in Figures 1 through 6E. The medical article illustrated in Figure 7 was described in paragraph [0036] in the specification as filed. The reference numbers in new Figure 7 have been added to the existing description of the medical article present in paragraph [0036]. Accordingly, Figure 7 as well as the addition of the corresponding reference numbers to paragraph [0036] adds no new matter to the patent application.

Claim Objection

Claim 8 was objected to for having a grammatical type error. Applicant has amended Claim 8 and respectfully submits that the objection has been overcome.

Rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 102(e)

The Examiner rejected independent Claims 1, 8, and 17 under U.S.C. § 102 as being unpatentable over U.S. Patent No. 6,213,979 to Bierman. In addition, the Examiner rejected independent Claims 1, 8, and 17 under U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,582,403 to Bierman et al. Applicant has amended Claims 1, 8 and 17.

Amended Claim 1 recites, *inter alia*, a “a plurality of posts disposed upon the base of the retainer and extending away from a side of the base of the retainer opposite the side of the base of the retainer to which the adhesive layer is disposed, ... ; at least one cap covering each post, ..., the cap having at least two configurations including a covered configuration in which the protrusion is at least partially disposed and secured within the recess of the cap, and an uncovered configuration in which the protrusion is not disposed within the recess of the cap.”

Amended Claims 8 and 17 each recite, *inter alia*, a “a plurality of posts disposed upon the base of the retainer and extending away from the base, ... , and at least one cap covering each post, each cap comprising a recess configured to receive the head of one of the plurality of posts, ..., the cap having at least two configurations including a covered configuration in which the head of the post is at least partially disposed and secured within the recess of the cap, and an uncovered configuration in which the head of the post is not disposed within the recess of the cap.” At least these limitations are not disclosed in the applied Bierman references. The Bierman references do

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not suggest a securement device having multiple covers with multiple caps. Therefore, Applicant respectfully submits that the rejections of independent and amended Claims 1, 8, and 17 have been overcome.

Claims 3-7, 9, and 11-16 depend directly or indirectly from one of Claims 1 and 8 and, thus, are patentable for at least the same reasons that the claims from which they depend are patentable over the applied art. Therefore, allowance of Claims 1, 3-9, and 11 through 17 is respectfully requested.

New Claim 18

New Claim 18 has been added. Claim 18 recites, *inter alia*, “a plurality of posts,” “a plurality of caps,” and “each cap being attached to the base of the retainer by a flexible connection and having at least two configurations including a covered configuration in which the protrusion is disposed within the recess of the cap and covered by the cap.” Examiner Mehta and counsel for Applicant discussed this proposed limitation at length during the interview. At least this element is not disclosed in the applied prior art. Consideration and allowance of new Claim 18 therefore is respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

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The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/1/06

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